

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Beverly Denice Hawkins,

Plaintiff,

v.

Nancy A. Berryhill, Acting
Commissioner of Social Security
Administration,¹

Defendant.

Civil Action No.: 4:16-cv-02996-JMC

ORDER

This matter is before the court on Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). (ECF No. 27.) Plaintiff requests four thousand six hundred dollars and seventy-five cents (\$4,600.75) in attorney's fees. (*Id.* at 3.) The Commissioner responded to Plaintiff's Motion and does not object to the requested amount of attorney's fees. (ECF No. 28 at 1.) After reviewing Plaintiff's Motion and the Commissioner's Response, the court finds that the request for fees is reasonable.

In accordance with *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010), EAJA fees awarded by this court belong to the litigant, thus subjecting EAJA fees to be offset under the Treasury Offset Program, 31 U.S.C. § 3716(c)(3)(B). Therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff's counsel. The amount of attorney's fees payable to Plaintiff will be the balance of attorney's fees remaining after subtracting the amount of Plaintiff's outstanding federal

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted for Carolyn Colvin as the named defendant because she became the Acting Commissioner of Social Security on January 23, 2017.

debt. If Plaintiff's outstanding federal debt exceeds the amount of attorney's fees requested, the requested amount will be used to offset Plaintiff's federal debt and no attorney's fees shall be paid.

(See ECF No. 28 at 1-2.)

After a thorough review of Plaintiff's Motion and Commissioner's Response, the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 27), and Plaintiff shall be awarded \$4,600.75 in attorney's fees.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

April 30, 2018
Columbia, South Carolina